

**U.S. Department of the Interior
Bureau of Land Management
San Luis Valley Field Office
1313 E. Hwy. 160
Monte Vista, CO 81144**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-F03-2015-0024 CX

CASEFILE/PROJECT NUMBER (optional):

PROJECT NAME: Gilberts Proposed access road

PLANNING UNIT: SLVFO

LEGAL DESCRIPTION: T44N, R7E, Section 28, T44N, R7E, Section 33

APPLICANT: Rachel and Jason Gilbert

DESCRIPTION OF PROPOSED ACTION

The Gilberts bought a parcel of property from Mark LaTour near the South Tracy area. Originally, Mark was issued a ROW Grant COC-59741 for the use of an existing road and for the construction of a short spur road to his private property. This was issued on 7-29-1998 and a CX was completed under CO-056-SL-97-CER-4 and signed on 7-28-98. The CX stated that a cadastral survey must be completed prior to construction to find the BLM-Private land boundary since there was never one completed. Mark never had this done and the road was never constructed.

Since the Gilbert's acquisition of this parcel, they used the BLM surveyor to locate the BLM-Private land boundary. They also hired a contractor to design and flag the proposed road on the ground. They are also proposing to use a different existing admin road that was not part of the original row grant. This road intersects off County Road 45U and leads to the area where the proposed spur road will be constructed. The proposed construction dimensions of the spur road are 12 feet wide and 4810 feet long. BMP's will be used. See attached map. Also, once this is authorized the ROW Grant issued to Mark LaTour will be closed and a new one will be issued to the Gilberts.

PLAN CONFORMANCE REVIEW:

Name of Plan: San Luis Resource Management Plan

Date Approved: December 18, 1991

Decision Number: ROD – 1 -17 (Lands and Realty- LUA), Page 15

Decision Language: All other BLM lands will be open to right-of-way for other utility lines, roads, etc. and each will be evaluated on a case by case basis for alignment and mitigation stipulations.

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 E(17). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations.		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Joel Humphries	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds, Fisheries	JTH, 10/7/15
Jeff Williams	Range Management Spec.	Range, Vegetation,	JW, 10/7/15
Eduardo Duran	NRS	Riparian, T&E species, Invasive Plants, Farmland	ED 10/05/2015
Rebecca Morris	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	RM 10/07/2015
Negussie Tedela	Hydrologist	Hydrology, Water Quality/Rights, Soils, Air Quality	NHT 10/01/2015
Sean Hines	Cadastral Surveyor	Cadastral Survey	LM 10/01/2015
Clayton Davey	Park Ranger	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	CBD 10/01/15
Jill Lucero/Sue Swift-Miller	Wildlife Biologist	Wetlands	JL 10/22/2015
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 10/28/15
Brian Fredericks	Archaeologist	Cultural, Native American	BAF 10/28/2015
Leon Montoya	Realty Specialist	Lands and Realty	LM 10/01/2015

REMARKS:

Cultural Resources: Although cultural resources were found near the area of potential effect [see report 16-SLVFO-003] no sites determined to be eligible for the National Register of Historic Places (NRHP) were found. Therefore, the proposed project will have no impact on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species:

This DNA was prepared in accordance with the Endangered Species Act of 1973, as amended. Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS), in accordance with the Endangered Species Act, was not required. The Proposed Action would have no effect on any threatened, endangered, proposed, or candidate species that is listed under the Endangered Species Act. Consultation would be initiated if the Proposed Action is subsequently modified in

a manner that causes an effect to a listed species or critical habitat that was not considered in this analysis, or a new species is listed or critical habitat designated that may be affected by this action.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a "take" of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds.

An exception to this timing limitation will be granted if nesting surveys conducted within one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Terrestrial Wildlife:

The project occurs in elk and mule deer winter range, a mule deer winter concentration area, and elk severe winter range. Construction is prohibited from November 15 to March 1.

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Leon Montoya

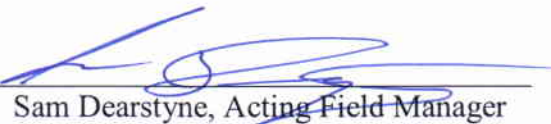
NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 10/29/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

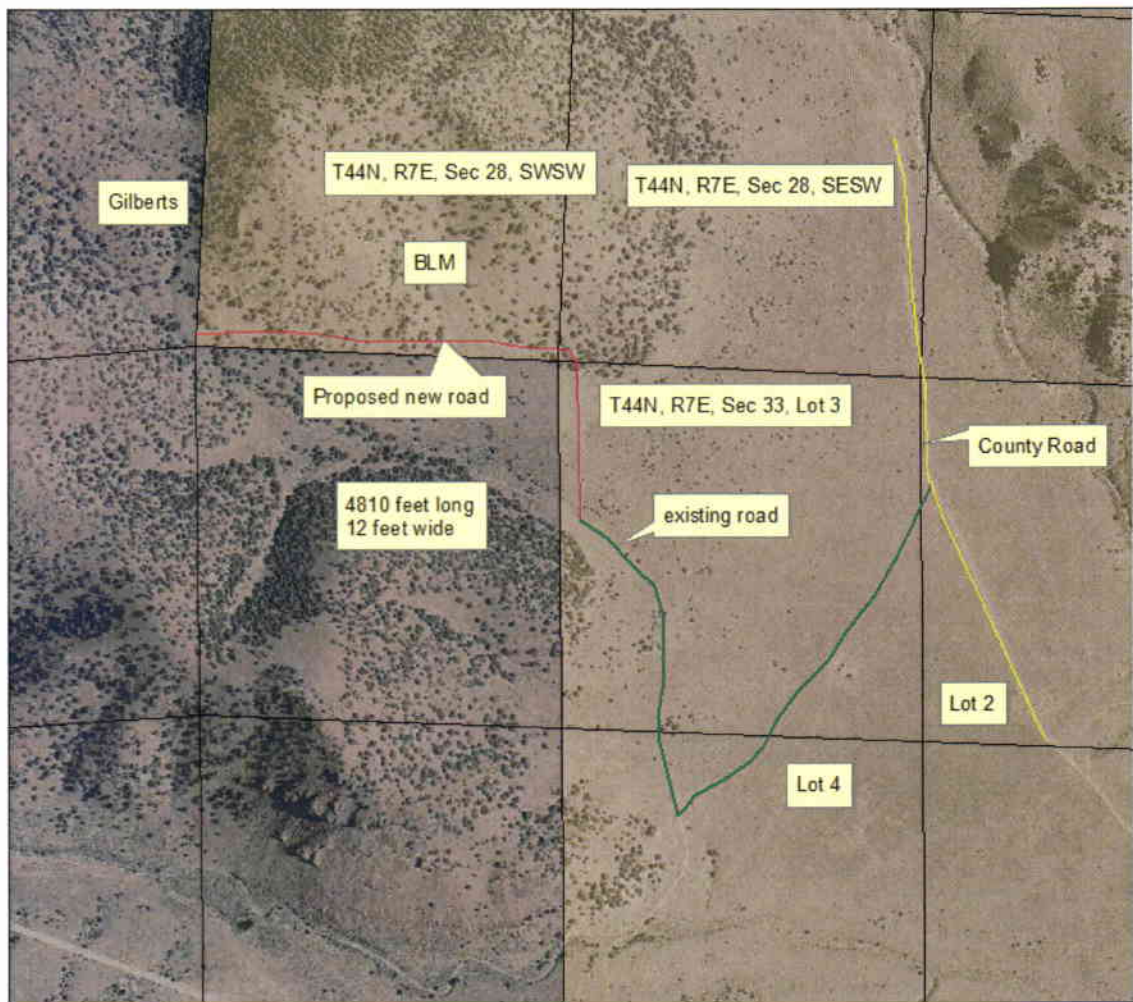
This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

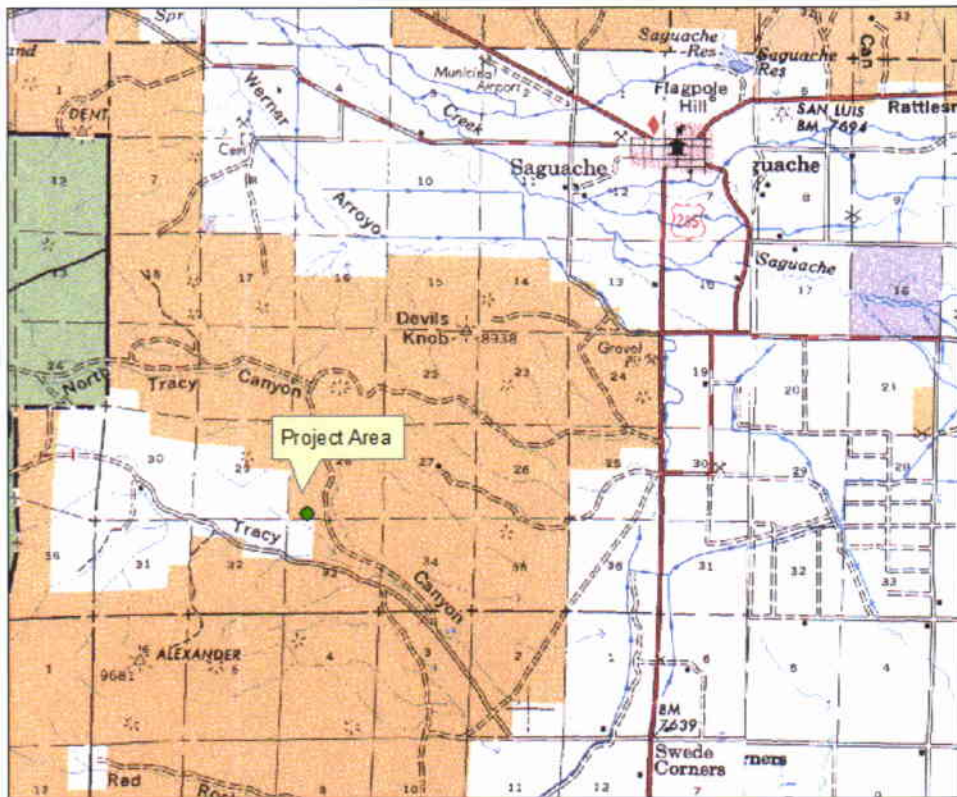
SIGNATURE OF AUTHORIZED OFFICIAL:


Sam Dearstyne, Acting Field Manager

DATE SIGNED:

10/30/15





DOI-BLM-CO-FO3-2015-0024
Gilberts Proposed Road
T.44N, R.7E, Section 28 and 33



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